

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**IN RE: TERRORIST ATTACKS ON
SEPTEMBER 11, 2001**

**Civil Action No.
03 MDL 1570 (GBD) (FM)**

*This document applies to
Hoglan, et al. v. The Islamic Republic
of Iran, et al.
1:11-cv-07550-GBD*

DECLARATION OF JENNIE MANDELINO

I, Jennie Mandelino, declare under penalty of perjury, pursuant to 28 U.S.C §1746, that the following is true and correct to the best of my knowledge, information and belief.

1. I am a resident of the State of New York and a citizen of the United States of America. I am over the age of eighteen.
2. The information contained in this Declaration is true and is based upon my personal knowledge.
3. I present this Declaration to explain the nature of my relationship to Joseph D. Mistrulli, who was killed in the 9/11 terrorist attacks, and, in particular, to demonstrate that this relationship was the functional equivalent of a brother and sister relationship.
4. First and foremost, Joseph Mistrulli was an integral part of my life and our family. I met Joe over 40 years ago when I was 16 years old working part time with my sister Philomena ("Phil") in a toy store Joe managed. We hit it off right from the beginning and my sister made him part of our family the following year when they were engaged. Joe would be over the house every time he had a chance and I would go with my sister to see him and go out with them regularly. We shared a common interest at that time which

was an admiration for nice cars. Joe was so meticulous about his cars, always waxing and shining them. He was always making himself known to people and friends that I was his “younger sis” and he was “watching out for me.” Just as any brother would look out for his sister.

5. The following year, 1978, Joe and Phil were married and I served as their maid of honor. After the wedding, they moved into a cute little apartment in Canarsie, where I spent most of my time because we were young, loved having fun, and enjoyed each others’ company. We went out together to bars and clubs in the beginning, which evolved into me watching my Godchild, their son, Joseph when they had plans or I needed a place to stay (and that was quite often). One thing I can tell you is that Joe could cook and he made the best breakfast and told the most vivid lively animated jokes.
6. In 1980 Mom, Dad, Phil (my sister was then 20 years old), Joe (who was 26), me (I was 19), MaryAnn (our sister, who was 15), Jimmy (our brother, who was 16), Mike (our brother, who was 7) and Little Joseph (Joe and Phil’s small child) and Mary Ann would wind up living together at 1513 Pea Pond Road in Bellmore, NY, because Phil and Joe needed to get out of their apartment. They moved in with us “temporarily.” That “temporary” move lasted over a decade and grew in numbers as the kids came along.
7. We shared many of meals and conversations in the living room and kitchen as many families do. Of course, we also had our own lives, we were running in many different directions, but we always knew where home was – it is where our family was, there at 1513 Pea Pond Road. The kids (Michael, Joseph, MaryAnn and Angela (Joe and Phil’s last arrival) would always be together and playing as little brothers and sisters, even though they were from two generations. Michael didn’t know life without Joe he was just a toddler when Joe came into our lives and he was closer in age to the kids. We spent

many nights sitting at the dining room table playing Scrabble with Joe, Mom, and MaryAnn. Joe liked the challenge, but I have to say, I was declared unbeatable yet that didn't stop them from trying. How Michael would love to show Joe how much he learned in construction always competing with who had the best way or could do something faster or better. Yes, our family had sibling rivalry but we also had support.

8. Michael really didn't know life without Joe, Joe was part of his life since he was a toddler and was always his older brother. Michael always looked up to Joe and ourselves because he was many years our junior. He used to go all over with Joe and the kids and Joe always made sure there was room for him in the car, whether he wanted to go or not. Even though Joe knew he was an equal it was a fine line to tread because of the age difference and defining the lines between the kids. Needless to say he did a great job because Michael turned into the kids confidant.
9. When Joe and Phil finally saved enough money to buy a home of their own, they didn't go far. They moved around the block and continued to be a daily part of our lives.
10. When I look back on our time together, I reminisce about all the special time and experiences that we shared, there are just too many to count. My fondest memories of Joe are him beaming when each baby was born, and the glow in Joe's eyes and how his chest would explode with pride every time they accomplished something, and also when the kids got sick and Joe would hold them, and even when Phil got sick and he stood by her side. We supported Joe so we could have his back and give him strength. I remember when we almost lost Phil and Joe was bartering with God to take him instead. I remember, too, how Joe cared for Mom as she dwindled away up until she died in 2001. You see, Joe really wasn't just an "in-law." He was real family to us, and we were real family to him. Not just a legal relationship, but a real relationship. No one thought of

Joe as an “in-law,” and he didn’t think of us that way, either. When I am told that what matters is whether someone is the “functional equivalent” of a brother, I cannot imagine anyone ever functioning more like a real blood brother than Joe, the fellow we lived with, grew into adulthood with, lived through thick-and-thin, and even through life-and-death times with. Houses, money, children, jobs, sickness, good times and bad times, we lived through it all with Joe, not just the way families do, but the way *close* families do. We truly considered him to be a brother, and he considered us his siblings as well.

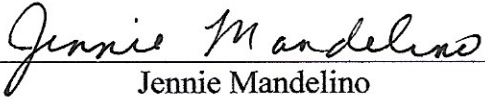
11. As a family, we all shared a genuine affection and playfulness, and those precious times when we just experience life together. One time, Tony got stuck on the roof, he just froze and couldn’t move, and so Joe heroically went up to rescue him. After a few minutes, I was wondering where they were, and behold, I now had two brothers stuck on the roof. We all laughed so hard until the fire department rescued them. Another time, we were moving furniture around with Joe and we got stuck in the doorway with the couch. And how we laughed about his crazy Bermuda shorts being out of style. We worked long nights at the family catering business cleaning dishes, cooking, and serving. We worked with Joe on all the construction jobs our family did, as it was Dad, Jimmy, Joe, Michael and me rebuilding houses, or helping Jimmy in his building business.
12. I remember when Joe was sad when he couldn’t give his kids something they wanted, how we would come to his rescue and save the day without him needing to ask because we were family and we understood. I remember the times when Joe was out of work or just didn’t make enough money to cover their everyday needs, so we all helped out financially. I remember giving them my old car because they couldn’t afford to buy a car and when we help Joe and Phil to send the kids on school trips to Europe or pay for their parties because they didn’t have funds.

13. I know I have been there for them many times and I am still there today for my family. I think about our vacations and how it took forever to figure out where we were eating because everyone wanted something different. How we used to go bowling every weekend, playing in the yard on the slip-and-slide, playing croquet, and digging and planting with Joe as my mother gave orders on where everything should go. I remember all the holidays, birthdays, recitals, great moments and not-so-great moments that we shared as a family. Our lives together were not always easy but we were there for each other and that is what matters. Joe was always right in the middle of all of that, and we loved him and supported him like a brother because that's what he was.
14. Phyllis and Joe had many struggles in life, but they thrived in our family unit. It was the cohesive family unit that gave them the strength, nurturing, and financial support they needed and continue to need. Although Joe is gone, the bond that was formed continues forward through the generations.
15. Joe was a mentor and big brother for all of us. He was a fellow carpenter and a major support system in our family. He was always there when you needed him for an ear or a hand – whatever it took, you knew he had your back. Every time. That's not an "in-law." That's a brother.
16. Since 9/11, I had to take over my sister Phil's finances to save her house because the government allowed a mentally and emotionally unstable person to sign for money in relation to Joe's death. It seemed like they didn't care if people were in shock or able to function; they just wanted them out of their hair. Throwing money at a mother that needs to pay her bills and has kids she needs to help is an easy "out," but, in retrospect, it is a long-term problem. The family I knew back then does not exist, we are all dealing with the impacts of 9/11, which makes us a mere shadow of the unified strength we once held.

17. We are a family filled with love, we believe in the unity, we lived as one cohesive household for many years. The things we did together, the fun and games, the projects we would work on, like building a shed in the yard, making sure the ceiling was even and not so much level. The gardening, babysitting, the holidays where Joe would be Santa, the egg hunt where he would hide eggs in stupid places, Joe cooking and making his famous lasagna, keeping all my mother's recipes and not sharing them so he could do the family meals on Sundays. My stories and memories go on and on, but the heinous way he was killed overshadows my fond memories now.
18. I can attest to my siblings and their relationships with Joe, too. My father taught us that blood does not make a family. A family is a bond held together with love, strength, and unity. He used to say our family was like his hand, if one finger was hurting the entire hand couldn't function properly. I fully understand that metaphor, because Joe, Michael, and Mom were removed from that hand, and the void can never be replaced and the hand will never function fully again.
19. Joseph Mistrulli is, was, and always will be, the "functional equivalent" of a biological brother. He resided in my household for many years. He is, and will always be, my immediate family. Both words apply: Joe did "function" as a brother, in every way that I can think of. And he was truly "equivalent" to a brother, because "equivalent" means "equal" and he was every bit as much a brother to me and my siblings as any brother I've ever heard anyone describe. If "functional equivalent" really means what it is says, then Joe was, and is, and will always be, that brother to me and to my brothers and sisters.

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing declaration is true and correct to the best of my knowledge, information and belief.

EXECUTED this 5th day of May, 2017.



Jennie Mandelino